

REMARKS

Claims 1-7 and 9 are pending in this application. By this Amendment, claims 1-7 are amended and claim 8 is cancelled. Claims 1-4 are amended to remove minor informalities. Claim 5 is amended to refer to a pharmaceutical composition, based on the disclosure at page 8, line 23; and is further amended to require a pharmaceutically acceptable auxiliary agent, based on the disclosure at page 22, lines 11-12. A similar change has been made in each of claims 6-7. Support for the amendment to claim 7 referring to type II diabetes can be found, for example, in the pharmacological data on pages 240-244 of the originally filed specification, which as noted by the Examiner toward the bottom of page 3 of the Office Action, shows that the therapeutic agent is useful for treating type II diabetes. New claim 9 is drafted in method of use format, and is directed to treatment of type II diabetes. No new matter is added.

In view of the amendments and the following remarks, reconsideration and allowance of the application are respectfully requested.

I. Priority

The Examiner states that the application claims benefit of U.S. provisional application 60/618,367, filed on October 12, 2004. This priority information is not correct.

This application is a 371 application of PCT/JP2005/002389, filed February 17, 2005, and claims foreign priority to JP 2004-041407, filed February 18, 2004.

II. Claim Rejections Under 35 U.S.C. § 112, First Paragraph

The Examiner rejects claims 7 and 8 under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a therapeutic agent for treating type II diabetes, does not

provide enablement for a therapeutic agent for treating any type of diabetes and all diseases involving DPP-IV. By this Amendment, claim 7 is amended to recite “a therapeutic agent for treating type II diabetes,” and claim 8 is cancelled. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 1-8 under 35 U.S.C. §112, second paragraph, as being indefinite. By this Amendment, claims 1-4 are amended to delete the brackets, and claim 8 is cancelled. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

IV. Objections to the Specification

The Examiner objects to the abstract because it contains two paragraphs. Applicants submit herewith a new abstract that contains one paragraph. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

V. Claim Objections

The Examiner objects to claims 1-4 because they contain two periods. By this Amendment, claims 1-4 are amended to remove the first period. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

VI. Conclusion

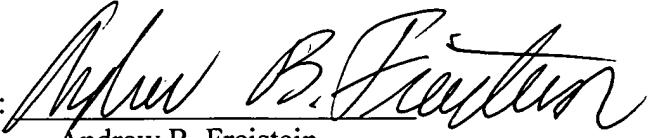
In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7 and 9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

Yasumichi FUKUDA et al.

By:


Andrew B. Freistein
Registration No. 52,917
Attorney for Applicants

Attachment: Abstract

MRD/ABF/rgf
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
December 15, 2008